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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/419,849
Filing Date	October 19, 1999
First Named Inventor	Krivitski, Nikolai M.
Art Unit	
Examiner Name	
Attorney Docket Number	86017.000010

**ENCLOSURES (check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal                                     | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance communication to Group  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input type="checkbox"/> Petition   | <input checked="" type="checkbox"/> Appeal Communications to Group Appellants' Supplemental Appeal Brief (in triplicate – original and two copies) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavit/declaration(s)                            | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Request for Refund   | Return Postcard  |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> CD, Number of CD(s) _____                                      |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              |   |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application   |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Brian B. Shaw, HARTER, SECREST & EMERY LLP
Signature	
Date	February 19, 2004

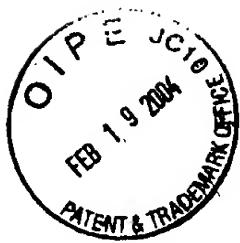
**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as EXPRESS MAIL (Label No. EV 135869333 US) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Type or printed name	Carol Austin		
Signature		Date	February 19, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krivitski, Nikolai M. and Drost,  
Cornelis J. Atty. Docket: 86017.000010

Serial No.: 09/419,849 Examiner: Charlene Dickens

Filed: October 19, 1999 Art Unit: 2855

Title: METHOD AND APPARATUS TO MEASURE BLOOD FLOW BY AN  
INTRODUCED VOLUME CHANGE

RESPONSE TO OFFICE ACTION MAILED NOVEMBER 28, 2003

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Mail Stop Non-fee Amendment  
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*MAR 01 2004*

In response to the November 28, 2003, reopening of the prosecution on the merits in response to Appellants' Appeal Brief filed on November 18, 2002, applicants respectfully request reinstatement of the appeal.

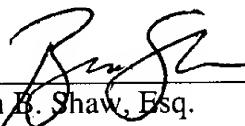
A Supplemental Appeal Brief, but no new amendments, affidavits, or other evidence, accompanies this request. Triplicate copies of the Supplemental Appeal Brief are attached.

As a prior Notice of Appeal and fee were duly paid, applicants believe no additional fees are necessary. If, however, an Appeal fee or Appeal Brief fee is required, applicants hereby authorize such fees to be taken from Deposit Account No. 03-3875 of applicants' attorney. A duplicate of this paper is attached for any such purpose.

If any further issues remain for reinstatement of the Appeal, the Office is cordially invited to contact the undersigned so that such matters can be promptly resolved.

Respectfully submitted,

Dated: February 19, 2004

  
\_\_\_\_\_  
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